THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.170 OF 2000

DATED: 26-04-2007

Between :

Smt. Sunkara Nalini Kumari … Petitioner

And

Mandal Revenue Officer, Manuguru Mandal,
Khammam District. .. Respondent

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.170 OF 2000

ORDER :

The petitioner herein claims to be the owner and possessor of the house bearing No.8-1-71, Bandarugudem, h/o. Manugur, Khammam District. This writ petition is filed aggrieved by the alleged action of the respondent – Mandal Revenue Officer, Manugur in trying to dispossess the petitioner from the said house without following due process of law.

It is stated that in response to the notice dated 21-12-1999 issued by the respondent alleging that the petitioner has been making construction in the Government land and calling upon him to appear on 27-12-1999 along with relevant material to substantiate his title if any, he appeared before the respondent and produced all the relevant material to establish his title in respect of the property in question. However even without passing any order, the respondent has been taking steps to dispossess him from the property in question high-handedly.

This Court, while directing Rule Nisi, granted interim stay of dispossession of the petitioner from the property in question.

The respondent-Mandal Revenue Officer, Manugur filed a counter-affidavit stating that the petitioner had appeared on 27-12-1999 and produced a copy of the sale deed in proof of his title over the property in question. From the said document, it is found that the petitioner, who is a non-tribal had purchased the land from another non-tribal. Since the said transaction is void as per the provisions of

the A.P. Scheduled Areas Land Transfer Regulation 1 of 1959 as amended by Regulation 1 of 1970 and that apart since the petitioner has started construction of a shopping complex without obtaining the permission of the Gram Panchayat, the impugned notice has been issued.

I have heard the learned Counsel for both the parties.

From the counter-affidavit filed by the respondent, it is clear that the petitioner has been in possession of the property having acquired the same under a sale deed executed by his vendor. Even assuming that the sale transaction is not in conformity with the provisions of Regulation 1 of 1959, it is necessary for the Special Deputy Collector, Tribal Welfare, Badrachalam, who is the competent authority to pass appropriate orders following due process of law. In the absence of such order, the respondent is not entitled to interfere with the possession of the petitioner. So far as the allegation that the petitioner has been making unauthorized construction is concerned, it is made clear that it is open to the respondent to initiate appropriate proceedings in accordance with law after affording due opportunity to the petitioner to explain the allegation.

Accordingly, the Writ Petition is disposed of with a direction to the respondent not to interfere with the possession of the petitioner in respect of the property in question in any manner whatsoever without following due process of law. No costs.

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G. ROHINI, J.

Dt. 26-04-2007

klp